

10 JOHN L. BERNSTEIN, et. al.,
11

No. C 13-1563 RS

12 v. Plaintiffs,
13

**ORDER DISMISSING ACTION AND
DENYING APPLICATION FOR
ISSUANCE OF SUBPOENA**

14 JANET DUNLOP, et al.,
15

Defendants

/

17 The original complaint in this action was 26 pages long. In the understated words of the
18 magistrate judge who conducted a review of the allegations pursuant to 28 U.S.C § 1915(e)(2)(B),
19 the complaint was “difficult to comprehend.” The magistrate judge nevertheless identified certain
20 claims that at least theoretically might be possible for plaintiff to pursue, and issued a Report and
21 Recommendation the complaint be dismissed with leave to amend as to those claims. The Report
22 and Recommendation was adopted in full as the order of the Court.

23 In response, plaintiff Michael Leon¹ filed a First Amended Complaint, and then, without
24 permission, a Second Amended Complaint, and later a “Revised First Amended Complaint.” These
25 three substantially similar pleadings are each over 130 pages long and are filled with lengthy

26 _____
27 ¹ All other purported plaintiffs were previously dismissed without leave to amend. While the
28 amended complaints continue to list one other individual as a plaintiff in the caption, only Leon is a signatory.

United States District Court
For the Northern District of California

1 quotations from various media sources, Bible verses, photographs, and cartoon drawings. Despite
2 the addition of such material, Leon has not provided any factual material to address the deficiencies
3 identified in the Report and Recommendation. While it remains the case that it might be
4 theoretically possible to state an ADA claim against judicial defendants, and/or a Section 1983
5 claim against law enforcement defendants, there is no indication that Leon will ever be able to do so
6 under the circumstances here. Additionally, there is no apparent basis in any event to pursue in this
7 court claims relating to judicial proceedings or police conduct in Arizona.

8 While *pro se* pleadings are to be construed liberally, and leave to amend freely granted, the
9 additions made to the original complaint demonstrate that permitting further amendments would be
10 futile. Accordingly, this action is dismissed without leave to amend.

11 Leon's procedurally and substantively deficient "application for issuance of a subpoena" is
12 therefore moot, and the hearing set for December 19, 2013 is vacated. The Clerk shall close the file.
13

14 IT IS SO ORDERED.

15
16 Dated: December 18, 2013
17



RICHARD SEEBORG
UNITED STATES DISTRICT JUDGE

19
20
21
22
23
24
25
26
27
28